

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18404, 18406, 18571,
18581**

(Jointly Administered)

SECOND URGENT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this second urgent motion (the “Second Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Granting Urgent Consented Motion for Extension of Deadlines* [ECF No. 18581] (the “Scheduling Order”).²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico (the “FOMB”), as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Second Urgent Motion on behalf of the Commonwealth.

Request for Relief

1. On July 25, 2018, Mr. Rafael Bonilla Rivera (“Movant”) sent to counsel for the FOMB and AAFAF a notice (the “Lift Stay Notice”) pursuant to the *Order Amending Case Management Procedures* (as amended from time to time, the “Case Management Order”), seeking relief from the automatic stay to proceed with the case captioned *Rafael Bonilla Rivera v. DTOP*, Case No. 2007-02-0829 (the “Prepetition Action”), pending before the Administrative Agency of Puerto Rico (Commission for Appeals of Public Service) (the “Administrative Forum”).

2. Thereafter, the Commonwealth and Movant met and conferred and reached an agreement (the “Stipulation”) for the modification of the automatic stay solely to allow the Prepetition Action to proceed to final judgment and/or resolution before the Administrative Forum.

3. On October 5, 2021, Movant filed a *Motion to Compel Compliance with Proposed Stipulation* [ECF No. 18404] (the “Motion”), alleging that “[a]s of the date of this motion, the Commonwealth has failed to act upon the terms of the agreement and Movant’s case before the administrative forum continues to be stayed.” See Motion at 2.

4. On October 19, 2021, the Court entered the Scheduling Order, which extended the deadlines set forth in the *Order Scheduling Briefing of Motion to Compel Compliance with Proposed Stipulation* [ECF No. 18406] to provide that responses to the Motion must be filed by October 29, 2021 and Movants’ reply by November 5, 2021.

5. Since then, the Commonwealth has continued working diligently with Movant to consensually resolve the Motion. Although the Commonwealth and Movant have advanced in such efforts, the parties need additional time to finalize this process. The Commonwealth reached out to Movant’s counsel, but has not received a response regarding Movant’s consent to the requested extension.

6. Accordingly, the Commonwealth, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motion shall be extended to **November 5, 2021**.
- The deadline for Movant to file a reply to a response, if any, shall be extended to **November 12, 2021**.
- The Court will thereafter take the Motion on submission, unless the Court determines that a hearing is necessary.

7. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

8. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board;

(g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

9. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: October 29, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi
USDC No. 222301
Email: lmardini@mpmlawpr.com

/s/ Carolina Velaz-Rivero
Carolina Velaz-Rivero
USDC No. 300913
Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑOZ LLC
250 Ponce de León Ave.
Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494
*Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Exhibit A

Proposed Order